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**Via ECF**

May 20, 2024

Honorable Rukhsanah L. Singh, U.S. Magistrate Judge  
United States District Court- District of NJ  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street, Court Room 7W  
Trenton, NJ 08608

**Re: *In re: Johnson & Johnson Talcum Powder Products  
Marketing, Sales Practices and Products Liability Litigation -  
MDL 2738***

Dear Magistrate Judge Singh:

I write on behalf of the Johnson & Johnson Defendants to provide the Court with a succinct summary of the recent issues/filings presented by the parties.

- On May 17, 2024, the PSC filed with the Court a newly published article in the Journal of Clinical Oncology which the PSC claims is relevant to this litigation. (ECF. 32197) It is expected that the PSC will want their experts, who have all been deposed, to address this paper.
- In response to the PSC filing the above noted article, Defendants filed a request on May 17, 2024, to modestly adjust the deadline for service of Defense expert reports (currently May 21, 2024) in light of this new paper so that their experts may address the deeply flawed methodology of it in their reports. (ECF. 32198)
- On May 17, 2024, Defendants filed a letter with the Court requesting the Court order an expedited production of documents responsive to a subpoena served on Andy Birchfield of Beasley Allen regarding, *inter alia*, intentionally misleading statements concerning Defendants' efforts to

resolve this docket, in abrogation of certain ethical obligations, as well as the role of media and third-party litigation funding in the same. (ECF. 32200)

- On May 17, 2024, Defendants filed a letter to the Court requesting permission to file a motion, to be heard on short notice, to compel inspection of the laboratory of Plaintiffs' expert, Dr. Longo, (ECF. 32202). This request is time sensitive in light of the upcoming deadline for R. 702 motions as an inspection as outlined in the papers is necessary to challenge the very questionable methodology of Dr. Longo's new testing, which he has repeatedly testified hinges on using his equipment and observing a particle the moment he observes that same particle.
- As noted in the May 16, 2024, Joint Status Report filed with the Court, Defendants are seeking to ascertain from the PSC whether experts who were identified by the PSC in 2018/2019, but did not serve amended reports in 2024, will be called as witnesses for the ten-day trial schedule to occur in December 2024. This issue is time sensitive in light of the upcoming deadline for R. 702 motions. (ECF. 32194)
- On May 17, 2024, the PSC filed a Motion to Quash or For Protective Order Regarding Subpoena Directed at Paul Hess. (ECF. 32195) The Defendants will oppose this motion. This issue is also time sensitive in light of the upcoming deadline for R. 702 motions.
- On May 17, 2024, Beasley Allen filed their post plenary hearing Brief regarding disqualification of Andy Birchfield and Beasley Allen. (ECF. 32206)
- On May 17, 2024, Defendants filed a redacted version of their post plenary hearing Brief regarding disqualification of Andy Birchfield and Beasley Allen (ECF. 32207) and a Motion to Seal an unredacted version of their Brief. (ECF 32208).

Defendants believe many of the above noted issues could be addressed at a conference with the Court.

Thank you for your consideration of these matters.

Respectfully,

/s/ Susan M. Sharko

Susan M. Sharko

**FAEGRE DRINKER BIDDLE & REATH LLP**

SMS/scg

Encl: (0)

Cc: All counsel of record (via ECF)